

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Dennis E. Hecker,

Debtor.

Case No. 09-50779-RJK  
Chapter 7

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Chrysler Financial Services Americas  
LLC,

Plaintiff,

v.

Dennis E. Hecker,

Defendant.

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ADV Pro. No. 09-05019

**JOINT STATEMENT OF PARTIES PURSUANT TO LOCAL RULE 7037-1**

Pursuant to Local Rule 7037-1 of the Local Rules of the United States Bankruptcy Court for the District of Minnesota, Interested Party Steve Leach (“Leach”), Plaintiff Chrysler Financial Services Americas LLC (“Chrysler Financial”), and Defendant Dennis E. Hecker (“Hecker”), through their respective undersigned counsel, respectfully submit this Joint Statement.

1. On November 25, 2009, Hecker served a subpoena for deposition testimony and production of documents on Leach. No Exhibit A, which purportedly contains a list requested documents, was attached to the subpoena. The deposition was noticed for December 11, 2009.

2. Before filing the motion to quash, and pursuant to Local Rule 7037-1, counsel for Leach engaged in a discovery conference with counsel for Hecker. Leach’s counsel advised Hecker’s counsel he objected to the subpoena in light of the ongoing

criminal investigation into allegations parallel to those at issue in this adversary proceeding. He further advised he intended to move the Court to quash Hecker's subpoena. Hecker's counsel stated he intended to go forward with Leach's deposition, but agreed to postpone the date of the deposition pending the court's ruling on Leach's motion to quash.

3. On December 4, 2009, Leach filed a motion to quash Hecker's subpoena and for protective order. The hearing on Leach's motion is scheduled for December 16, 2009.

4. On December 11, 2009, Plaintiff Chrysler Financial Services Americas LLC filed a response to Leach's motion to quash and for protective order.

5. On December 14, 2009, Hecker filed a response to Leach's motion to quash and for protective order.

6. On December 14, 2009, and pursuant to Local Rule 7037-1, counsel for Leach and counsel for Chrysler Financial participated in a discovery conference. They recognized that Chrysler Financial was not the reason for Leach's current motion for a protective order because it is not seeking Leach's deposition at this time. They agreed that, as between Chrysler Financial and Leach, Chrysler Financial could pursue Leach's deposition at a later time, at which point Leach could seek a protective order. But because there is no agreement from Hecker's counsel to defer the motion, Leach and Chrysler Financial will assert the positions set forth in their Memoranda submitted to the Court.

7. On December 14, 2009, and pursuant to Local Rule 7037-1, counsel for Leach proposed to counsel for Hecker that the parties defer the hearing on the motion as set forth in paragraph 6 above. Hecker's counsel advised he needs the Court's ruling on the matter and would not agree to the proposed deferral.

8. The parties have been unable to resolve their differences with respect to the taking of Leach's deposition.

DATED: December 15, 2009

GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A

By /e/ Nicholas N. Nierengarten  
Nicholas N. Nierengarten (#79169)  
Stephen F. Grinnell (#37928)  
500 IDS Center, 80 South Eighth Street  
Minneapolis, Minnesota 55402-3796  
Telephone: (612) 632-3000  
Telecopier: (612) 632-4444

-and-

MAYER BROWN LLP  
Howard I. Roin (Admitted Pro Hac Vice)  
Stuart M. Rozen (Admitted Pro Hac Vice)  
71 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 782-0600  
Facsimile: (312) 701-7711

Attorneys for Plaintiff  
Chrysler Financial Services Americas LLC

SKOLNICK & SHIFF P.A.

By /e/William R. Skolnick  
William R. Skolnick (#137182)  
527 Marquette Avenue South, Suite 2100  
Minneapolis, Minnesota 55402  
Telephone: (612) 677-7600  
Telecopier: (612) 677-7601

Attorneys for Defendant Dennis E. Hecker

LINDQUIST & VENNUM, P.L.L.P.

By: /e/ Robert J. Hennessey  
Robert J. Hennessey (44118)  
Kelly G. Laudon (0386854)  
4200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
(612) 371-3207  
Fax: (612) 371-3207

Attorneys for Steve Leach